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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,747	01/12/2004	leon Chen	EQUUS-074A	9631

7590 08/17/2006

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EXAMINER
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KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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This is a non-final office action for application number 10/755,747, Automotive Gauge Mounting Bracket with Frictional Fit Apertures, filed on January 12, 2004.

***Response to Appeal Brief***

Upon further review of applicant's appeal brief, prosecution has been reopened and rejections in regards to the pending claims follow.

***Cancellation of Claims***

Claim 2 has been canceled per applicant's request.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency in the language of certain portions in the body of the claim, thereby making the scope of the claim unclear. The phrase "the segments being displaceable in response to insertion of a gauge into the aperture, in lines 7-8 leads the examiner to believe that only the subcombination of "an automotive gauge mounting structure," the gauge being only functionally recited. The problem arises when the gauge is positively recited within the body of the claim, such as, "the gauge having a

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gauge diameter and the recesses defining an aperture inner diameter, the aperture inner diameter being less than the gauge diameter." The examiner cannot be sure if applicant's intent is to claim merely the automotive gauge mounting structure or the automotive gauge mounting structure in combination with the gauge.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the automotive gauge mounting structure alone or the combination of the automotive gauge mounting structure and the gauge. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the subcombination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,365,761 to Kalvig. Kalvig discloses a mounting structure capable of

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engaging an automotive vehicle interior and excepting a gauge having a gauge diameter and lip, the structure comprising: a bracket; at least one receiving aperture (14) formed in the bracket; the aperture defining a plurality of displaceable segments (21) and recess (19) extending therebetween; the segments being displaceable in response to insertion of a cylindrical object (23) into the aperture for friction-fit engagement of the object to the bracket; the object having a diameter and the recesses defining an aperture inner diameter, the aperture inner diameter being less than the object diameter; wherein recesses are provided with a series of radial cuts, the cuts defining additional displaceable segments therebetween; wherein the radial cuts are of generally equal length; wherein the aperture is generally circularly shaped; wherein the structure comprises two apertures and each of the apertures is of generally equivalent size; wherein the bracket includes three gauge receiving apertures formed therein; wherein the segments are equidistantly spaced around the aperture; wherein the bracket defines an interior side and an exterior side and the segments are displaceable toward the interior side of the bracket; wherein displacement of the segments in response to the insertion of the object into the aperture deforms the segments; and wherein the bracket defines an interior side an exterior side and a surface about the periphery of the aperture.

Claims 1, 3, 5-7, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,702,076 to Humber. Humber discloses a mounting structure capable of engaging an automotive vehicle interior and excepting a gauge having a gauge diameter and lip, the structure comprising: a bracket; at least one

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receiving aperture formed in the bracket; the aperture defining a plurality of displaceable segments (18) and recess extending therebetween; the segments being displaceable in response to insertion of a cylindrical object (P) into the aperture for friction-fit engagement of the object to the bracket; the object having a diameter and the recesses defining an aperture inner diameter, the aperture inner diameter being less than the object diameter; wherein recesses are provided with a series of radial cuts, the cuts defining additional displaceable segments therebetween; wherein the radial cuts are of generally equal length; wherein the aperture is generally circularly shaped; wherein the segments are equidistantly spaced around the aperture; wherein the bracket defines an interior side and an exterior side and the segments are displaceable toward the interior side of the bracket; wherein displacement of the segments in response to the insertion of the object into the aperture deforms the segments; and wherein the bracket defines an interior side an exterior side and a surface about the periphery of the aperture.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalvig in view of U.S. Patent 3,603,551 to Peterson. Kalvig discloses the claimed invention except for the limitation of the recesses defining a cross-shape aperture. Peterson teaches a bracket including at least one receiving aperture formed in the bracket, the aperture defining a plurality of displaceable segments and recesses extending

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therebetween, the segments being displaceable in response to insertion of a cylindrical object, and the recesses defining a cross-shape aperture, having a plurality of displaceable interior segments. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket in Kalvig to have included the recesses as taught by Peterson for the purpose of providing an alternative, mechanically equivalent arrangement for rigidly supporting a cylindrical object such as a gauge within the aperture to prevent unwanted detachment of the gauge from the bracket.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,044,039 to Gregson

U.S. Patent 4,033,489 to Fowler


Gregson discloses a having a plurality of resilient fingers for receiving a cylindrically shaped socket. Fowler discloses a holder having an aperture including displaceable projections.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anita M. King  
Primary Examiner  
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August 15, 2006